

### **APPLICANT'S REMARKS**

The 06/28/05 Office Action indicates that the first paragraph of the specification is objected to. Applicant has amended this paragraph herein to remedy the discrepancy. The Applicant and your undersigned Agent are grateful for the Examiner's keen and thorough understanding of the art and the present specification.

The 06/28/05 Office Action indicates that claims 8-10 are objected to for not showing the set screw recited in these claims. Since the presence or absence of a set screw is not material to the patentability of the Applicant's invention, we have requested that the claims 8-10 be cancelled from the presently pending claims in this case.

By its very nature, the present invention includes a plurality of holes and bores. Initially, the claims were filed using language which referred to the many holes as, for example: "a first hole", "a second hole", "a third hole" etc. As the Examiner has impliedly pointed out, reference to the holes in this fashion may have had a propensity towards confusion. Towards removing such confusion, the present claims have been amended at the occurrences of references to such holes and bores, to include the specific language from the specification that was employed in describing these various holes and bores. No new matter is introduced by these amendments.

Thus, the first and second holes of claim 1 are now referred to as the first scope mount receiving hole and the second scope mount receiving hole, respectively, from **FIG. 2**, elements **25** and **27** and page 12 of the specification at line 22.

The "third hole" from claim 1 has been renamed the roll pin receiver hole in the claims, as shown as element **33** in **FIG. 2** and recited at page 13, line 11.

The "third hole" from claim 3 has been renamed as the elevation adjustment bore, as it was originally described at page 13, line 21 as element **35** as shown in **FIG. 2** and **FIG. 3**.

The first and second holes from claim 4 have been amended to now read as a "left front scope mount lock bore" and a "left rear scope mount lock bore", as originally described at page 13, line 1 of the specification and shown in **FIG. 2** as elements **29** and **31**. The word "left" has been included to distinguish these grammatically and definitely from those on the right side of the device as mentioned in the next paragraph.

The first and second holes from claim 5 have been amended to now read as a "right front scope mount lock bore" and a "right rear scope mount lock bore", as originally described at page 14, line 3 of the specification and shown in **FIG. 4** as elements **30** and **32**.

Claim 7 originally recited a "fourth hole" which has been re-termed as "threaded bore", as originally described on page 13 of the specification at line 20 and shown as element **42** in **FIG. 3**.

By virtue of these amendments to the claims, it is believed that the confusion associated with the former language is eliminated. Applicant has attempted to import clarity to the claims by these amendments.

Claims 12-13 and 15-16 were indicated as being objected to as being in improper form in the 06/28/05 Office Action. Claim 11, from which claim 12 depends, has been amended to include all of the features of its base claim. This coupled with the amendment to claim 12 herein is believed to overcome the objection to the form of claims 12 and 13. Similarly, claim 14 has been amended to include the features of its base claim, which coupled with the amendment to claim 15, is believed to overcome the objection to the form of claims 15 and 16. It is noted that

these claims were not treated very far on the merits in the original examination. We think that because these claims recite a rifle with a device of the invention attached to it, that it seems likely that if the instant device is deemed patentable, then the subject matter of claims 12, 13, 15, 16 should also be patentable as well.

The 06/28/05 Office Action indicated that claims 7 and 10 were rejected under 35 USC § 112 as being indefinite. A secondary reason for Applicant's amendments to the claims re-naming the various holes and bores as herein was to overcome the rejection of these claims under § 112. Applicant respectfully submits that these re-namings of the holes and bores are sufficient to render the claims definite versus their previous form, and that the previous rejection under § 112 should no longer be applicable to these claims.

Claims 8, 9, 10, and 17 are hereby respectfully requested to be cancelled. Thus, the total number of independent claims pending after entry of the amendments to the claims herein does not exceed three. Hence, it is believed that no additional fees are due in connection with this Response.

The 06/28/05 Office Action indicates that claims 1-3, 7-11, 14, and 17 are rejected under 35 USC 102(b) as being anticipated by Miller Jr. (US 3,187,435) stating:

"Miller Jr. disclose a device comprising:

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|--|--------------------|
| a) a central portion in the form of a rectangular solid; | 35, 36, 32         |
| b) top, bottom, right, left, front, and rear surfaces;   | see figs. 11, 12   |
| c) a right wing portion;                                 | one side of 35, 32 |
| d) at least one threaded hole;                           | contains 58        |

e) a left wing portion;	other side of 35, 32
f) another at least one threaded hole;	contains another 58
g) first and second holes disposed through the top;	[52, 53] or [52', 53']
h) pins of a scope mount;	55 of 55'
i) a third hole disposed through the left and right sides;	44
j) a third hole in the top surface that is threaded;	33
k) a fourth hole in the top surface;	other 33
l) set screws;	58, 58, 48
m) a rear sight mount; and	37
n) a fastener.	48"

Applicant understands that according to MPEP Feb. 2003; §706.02(a) pp 700-21, col. 1, under the heading: "DISTINCTION BETWEEN 35 U.S.C. 102 AND 103; in the fourth sentence of the paragraph that for a rejection under 35USC 102 to be proper, ***"the reference must teach every aspect of the claimed invention"***.

Applicant respectfully submits that an essential feature recited as a limitation in all of his instantly-pending claims that the right and left wing portions of the present invention are:

"extending below said bottom surface of said central portion"

as present in subsections b) and c) of claim 1 herein and the other independent claims. The right and left wing portions of Miller Jr. [35, 32] do not extend below the bottom surface of the central portion in Miller Jr. Therefore, all of Applicant's instant claim limitations are not met by this reference, and Applicant respectfully submits that the rejection of claims under 35 USC § 102

based on the Miller Jr. reference should be reconsidered and withdrawn.

The 06/28/05 Office Action indicates that claims 1-3, 7-11, 14, and 17 are rejected under 35 USC 102(b) as being anticipated by Sanders (US 4,899,479) stating:

"Sanders discloses a device comprising:

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|--|----------------|
| a) a central portion in the form of a rectangular solid;   | 42             |
| b) top, bottom, right, left, front, and rear surfaces;     | see figs. 1, 2 |
| c) a right wing portion;                                   | 44 or 46       |
| d) at least one threaded hole;                             | 50 or 52       |
| e) a left wing portion;                                    | 44 or 46       |
| f) another at least one threaded hole;                     | 50 or 52       |
| g) first and second holes disposed through the top;        | 106, 108       |
| h) pins of a scope mount;                                  | 98, 100        |
| i) a third hole disposed through the left and right sides; | 72             |
| j) a third hole in the top surface that is threaded;       | 22, 24, 26, 28 |
| k) a fourth hole in the top surface;                       | 22, 24, 26, 28 |
| l) set screws;   | 68, 70, 88     |
| m) a rear sight mount; and                                 | 78             |
| n) a fastener.   | 88"            |

Applicant respectfully submits that an essential feature recited as a limitation in all of his

instantly-pending claims is that the roll pin receiver hole (formerly referred to as the "third hole" in claim 1) in Applicant's claimed invention is disposed on the central portion of the device. The limiting text from Applicant's claims (as amended herein) reads:

"... said front end portion of said central portion further includes a roll pin receiver hole disposed through said right side surface which extends through to said left side surface."

The Office Action attempts to show that the roll pin receiver hole (formerly "third hole") is shown in Sanders as element 72. However, in Sanders it is clear that hole 72 is disposed through one of the wing portions. Clearly, in Applicant's invention, the roll pin receiver hole 33 ( FIG. 2) clearly is disposed on the central portion of the device itself, which is specifically recited in Applicant's claims. Therefore, all of Applicant's instant claim limitations are not met by the Sanders reference, and Applicant respectfully submits that the rejection of claims under 35 USC § 102 based on the Sanders reference should be reconsidered and withdrawn.

Applicant respectfully submits that all pending claims should now be in condition for allowance. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, reading "Christopher J. Whewell". The signature is written in a cursive, flowing style.

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